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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,981	10/15/2001	Raymond Anthony Joao	RJ220	4403
7590 12/14/2005 RAYMOND A. JOAO, ESQ. 122 BELLEVUE PLACE YONKERS, NY 10703			EXAMINER FISCHETTI, JOSEPH A	
			ART UNIT	PAPER NUMBER

3627

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,981

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) 22,29,30,31,32,35-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,23-28,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicant's election without traverse of claims 21, 23, 24, 25,26,27,28,30,33,34 in the reply filed on 9/24/05 is acknowledged. However, newly presented claim 30 cannot be examined because applicant affirmatively elected on 1/5/05 not to prosecute the species directed to an option offer as originally set forth in claims 8-11. Thus claims 30 and 31 have been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21, 23, 24, 25,26,27,28,33,34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant recites a "remaining portion" but fails to recite a portion that has been used to cause a portion to remain.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 21, 23, 24, 25,26,27,28,33,34 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakfoor.

Nakfoor discloses a memory device for storing information regarding at least one of a ticket for an event and a ticket option for an event (datatables at servers 10 store data tables which contain information about various venues, events, ticket resources, user roles, ticket status, ticket holders);

a processor (web servers 12) for processing a ticket request for at least one of a ticket for an event wherein said processor processes said one ticket request in conjunction with said information stored in said memory device (web servers 12 access the database servers 10 to retrieve and store information in response to received messages from the terminals 6 and transmits reply messages to the terminals 6.) and ticket bidders, as will be explained in greater detail below),

said processor generates at least one of a ticket availability message (Terminals 6 can log into the data center 2 to view events which will take place in the future, purchase tickets in the primary market from the event sponsor, offer tickets for sale in the secondary market, purchase tickets in the secondary market and purchase merchandise or services related to the event;)

ticket option availability transmitter (read as the router 14) for transmitting said at least one of a ticket availability message to a communication device (terminal 6 is read as the communication device) associated with a user.

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Regarding the newly added language of "a remaining portion of an event" it is noted that before an event starts, 100% of the event still remains, and hence Nakfoor reads on this limitation.

Re claim 23: the receiver for receiving at least one of said ticket request is read as the input side of the web server 12 .

Re claim 24: since the order for the ticket must pass through the server 12, it is read as receiving a response from the user.

Re claim 25: the response from database 10 contains instructions to purchase a given ticket which is read as information regarding a request purchase said ticket.

Re claims 26/27: one of processes of server 12 is a transaction which results in the purchase of a ticket which is read as consummating a transaction.

Re claim 28: the server 12 receiving and transmitting information is read as monitoring and/or storing at least instantaneously, information regarding the transaction.

Re claim 33: the center 2 is connected to terminals 6 via the internet.

Re claim 34: the communication device is a computer 6.

REPLY

Applicant's arguments filed 6/29/05 have been fully considered but they are not persuasive. Applicant argues that the prior art does not disclose processing a ticket request for a remaining portion of an event. However, regarding "a remaining portion of an event", it is noted that before an event starts, 100% of the event still remains, and hence Nakfoor reads on this limitation. Webster's definition supports this position, e.g. "to be a part not destroyed, taken or used up". Thus a show not yet started, remains not used up.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

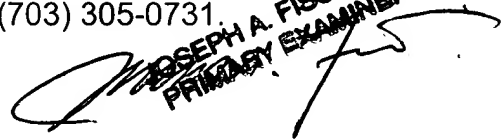
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.


JOSEPH A. FISCHETTI
PRIMARY EXAMINER